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Spokane WA 99201

In re Application of :
Glen T. Poss et al. :
Application No. 09/656,470 :
Filed: September 6, 2000 : DECISION ON PETITION
Title: HEAD SET SPEAKER AND : UNDER 37 C.F.R. §1.181(A)
STEREO PLAYING DEVICE :

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on December 1, 2003.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to submit drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed May 5, 2003, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings¹. Accordingly, the above-identified application became abandoned on August 6, 2003. A Notice of Abandonment was mailed on October 2, 2003.

With the present petition, Petitioner has asserted that formal drawings were sent to the Office on August 4, 2003.

It appears that the response was not matched with the present file until after the mailing of the notice of abandonment. It is clear that this response was received, but was not matched with the correct application file. The papers were likely originally matched with the wrong file because Petitioner placed the wrong serial number on his submission - the cover sheet, entitled "notice to the official draftsman" bears the serial

¹ See MPEP §710.02(e).

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number 09/766,929. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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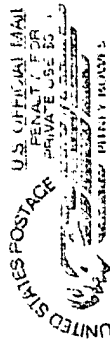
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